S.B.Civil Second Appeal No.463/2006.

Bhagwana.

vs.

Smt. Kesar and another.

Date : 15.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.P Choudhary, for the appellant.
Mr.SL Jain, for the respondents.

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Heard learned counsel for the parties.

The plaintiff/appellant filed the suit for mere injunction on the ground that the suit property was purchased by the plaintiff from the deceased defendant Devji who died during the pendency of the suit.

Two Courts below concurrently held that though there is a registered document in favour of the plaintiff but he was never in possession of the property in dispute.

It will be relevant to mention here that on the basis of the registered document dated 27.1.1977, the

suit was filed in the year 1992 after about 15 years and when the Courts found that on the day, when the document was registered, the plaintiff/appellant was not in possession of the property in question, then this finding of fact based on appreciation of evidence cannot be interfered in second appeal.

In view of the above, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya